

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**IN RE: FOSAMAX (ALENDRONATE SODIUM)  
PRODUCTS LIABILITY LITIGATION**

MDL No. 2243  
Civil Action No. 08-08-FLW-LHG

**THIS DOCUMENT RELATES TO:**

**STIPULATION OF DISMISSAL  
WITHOUT PREJUDICE**

William Parker, et al. v. Merck Sharp &  
Dohme Corp. (f/k/a Merck & Co., Inc.),  
Case No. 12-cv-06963-FLW-LHG

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**IT IS HEREBY STIPULATED AND AGREED** by and between Plaintiffs in the above-captioned case, William Parker and Carolina Parker (“Plaintiffs”) and Defendant, Merck Sharp & Dohme Corp., formerly known as Merck & Co., Inc. (“Merck”), through their respective undersigned counsel, as follows:

1. Having been resolved upon the agreement of Plaintiffs in the above-captioned case to dismiss voluntarily without prejudice his claim against Merck and the agreement of Merck not to seek from Plaintiffs its fees and costs, Plaintiffs hereby dismiss the above-captioned case without prejudice pursuant to Fed. R. Civ. P. 41(a)(1).

2. The above-named Plaintiffs agree that, in the event they re-file any suit based on any similar claims related to Fosamax against Merck, any of Merck’s subsidiaries, agents, distributors, employees, sales representatives, or against any pharmacy, such lawsuit will be filed in this Court, without joining any party whose joinder would defeat diversity pursuant to 28 U.S.C. § 1332.

3. Each party is to bear its own costs and attorneys’ fees.

**WHEREFORE**, the parties hereto stipulate to the dismissal of this case without prejudice subject to the conditions stated herein.

/s/ Peter Samberg  
PETER SAMBERG  
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Attorney for Plaintiffs, William Parker  
and Carolina Parker

Dated: August 4,, 2017

/s/ Karen A. Confoy  
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Attorneys for Defendants Merck Sharp &  
Dohme Corp. (f/k/a Merck & Co., Inc.)

Dated: July 27, 2017

**SO ORDERED this 21<sup>st</sup> day of August, 2017:**

/s/ Freda L. Wolfson  
Freda L. Wolfson, U.S.D.J.